

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6337

BILL NUMBER: HB 1271

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Anatomical Gift Agencies.

FIRST AUTHOR: Rep. Bacon

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a hospital from entering into an agreement or affiliation with a procurement organization that excludes other procurement organizations from the procurement and use of anatomical gifts. The bill also prohibits a coroner from entering into a contract, exclusive agreement, or exclusive affiliation with a procurement organization. It provides that a coroner is not subject to a contract, agreement, or affiliation that a procurement organization has entered into with a hospital.

The bill requires the Indiana State Department of Health (ISDH) to adopt rules establishing criteria for the determination of when a prospective anatomical gift donor is dead. It provides that an anatomical gift may be recovered only after a physician, in accordance with accepted medical standards, has declared the prospective donor to be dead. It provides that a physician's declaration that the prospective donor is brain dead satisfies this requirement.

The bill requires a procurement organization to file an audited financial statement with the ISDH for the preceding calendar year.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The bill would require the ISDH to adopt rules after reviewing evidence-based guidelines. The promulgation of rules is a routine administrative function of the ISDH that should be accomplished within the current level of resources available to the agency.

The bill would also require eye banks, organ procurement organizations, and tissue banks to prepare an audited

financial statement that includes specified information for a 6-month period beginning July 1, 2013, to December 31, 2013, to be filed with the ISDH. Thereafter, audited financial reports for the preceding calendar year are to be filed annually with the ISDH before February 1. The bill specifies certain information that must be contained in the annual financial reports. The information specified to be included in the audited financial statements as well as the 6-month report period would require approximately 12 procurement organizations to collect, audit, and publish the specific information within the defined time frame.

The ISDH is required to post the reports on the ISDH web site. If the reports are required to be submitted electronically, the ISDH should be able to post the reports as required within the current level of resources available.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: ISDH, Indiana University Cancer Center Tissue Bank.

Local Agencies Affected: County coroners; Local government-owned hospitals.

Information Sources: IC 1-1-4-3, Indiana Uniform Determination of Death Act; ISMA Resolution 10-01, “Statewide Guidelines for the Establishment of Pediatric Brain Death” at: <http://isma.websitetoolbox.com/post?id=4843655> ; and ISMA Resolution 09-01, “Proposed Guidelines for Brain Death Determination in the State of Indiana, Adult Diagnostic Criteria - Patients above 18 Years of Age” at: <http://www.ismanet.org/pdf/convention/AllRes.pdf>

Fiscal Analyst: Kathy Norris, 317-234-1360.